IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 5294 of 2005

Between:

1 The Commissioner and Director of School Education, A.P.Hyderabad.
2 The District Educational Officer, Medak District at Sangareddy.
3 State of A.P., represented by its Principal Secretary to Government, Education Department, Secretariat, Hyderabad.

..... PETITIONERS

AND

1 CH.Srinivas, s/o Anjaiah, School Assistant Arts,
UPS Pulimamidi, Chegunta Mandal, Medak District.
2 A.Srinivas Reddy, s/o Narayan Reddy, Secondary Grade Teacher,

Working at PS chowdaram (S.C.Colony), Mandal Chinnokodur Medak District.
3 K.Venkat Narsimha Reddy, s/o Kista Reddy, Secondary Grade Teacher,
Sheshareddypally (T), Veldurthy Mandal, Medak District.
4 Kota Venu, s/o Pochaiah, Secondary Grade Teacher,
S.G.T.UPS, Kondapur, Mirdoddi Mandal, Medak District.
5 V.Devender Reddy, s/o Satti Reddy, Secondary Grade Teacher,
P.S.Shankaraiah Kunta Mandal, Mangunoor, Medak District.
6 S.Narsinga Rao, s/o Mallaiah, School Assistant (Arts),
ZPHS Kuknoorpally, Kondapak Mandal, Medak District.
7 G.Damodar Reddy, s/o Mutyam Reddy, Secondary Grade Teacher,
UPS Nacharam, Wargal Malda, Medak District.
8 P.Laxma Reddy, s/o Narayana Reddy, SA-II Arts,
UPS Doulathabad, Medak District.
9 Ch.Uma d/o Rama Rao, Secondary Grade Teacher,
SGT, ZPHS Akaram, Medak District.

11 V.Venuprasad, s/o V.Narsimha Chary, Secondary Grade Teacher,
School:Cherla Anki Reddypally, Chinnakodur Mandal, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ certiorari or anyother appropriate writ, order or direction, after calling for the records relating to and connected with the judgment of the Hon'ble A.P.Administrative Tribunal dated 30-4-2004 in O.A.No.2495/2004 and quash the same as illegal, arbitrary and contrary to law and facts of the case.

Counsel for the Petitioners: GP FOR SERVICES I

Counsel for the Respondents: MR.J.R.MANOHAR RAO

The Court made the following:

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ORAL ORDER: (per GB.J.)

The Writ Petition is filed by the State Government assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.2495 of 2004, dated 30.4.2004.

2. The matter relates to appointment to the post of Secondary Grade Teachers and School Assistants in the DSC-2001-02. The respondents appeared for the DSC and as they were selected, appointment orders were also issued. However, finding that the Certificates produced by them were to be bogus, the said appointment orders were kept in abeyance. Subsequently an enquiry was conducted in regard to the genuineness of the Certificates produced by the respondents and it was found that the Certificates produced by them were bogus and basing on the information furnished by Magadh University, their appointment orders were cancelled by an order dated 12.3.2004. Challenging the said order the respondents approached the Tribunal by filing O.A.No.7826 of 2003 and batch and the Tribunal allowed the said O.As., on 24.3.2004 on an interpretation of Section 19(4) of the Administrative Tribunals Act and also holding that the action of the respondents therein is in violation of principles of natural justice., the respondents filed the above OA before the Tribunal. Thereafter the respondents herein preferred the present OA before the Tribunal and the Tribunal disposed of the same with some directions. Against the same order, the present Writ Petition has been filed by the State.

3. Now the scenario has been changed. The challenge made by the respondents to the order keeping in abeyance the appointment orders issued by the Government were allowed by the Tribunal on 24.3.2004. In view of this development, this Writ Petition has become infructuous.

4. However, the learned Government Pleader for Services-I submits that the interpretation given by the Tribunal in relation to Section 19(4) of Administrative Tribunals Act is absolutely misconceived and that has got lot of ramifications on the

administrative action of the Government.

5. Since the Writ Petition has become infructuous, we only observe that it shall not be treated as a precedent in other matters and it is always open for the Government to challenge the same afresh as and when the cause of action arises. However, we find it appropriate to grant time to the Government to comply with the orders of the Tribunal relating to giving opportunity and passing appropriate orders. This exercise shall be conducted within a period of two (02) months from the date of receipt of a copy of this order. If the exercise is not completed as directed above, the respondents shall be appointed, pending further action.

6. The Writ Petition is dismissed as infructuous. No costs.

(G.BIKSHAPATHY, J.)

22nd March, 2005.

SSR (P.S.NARAYANA, J.)

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner and Director of School Education, A.P.Hyderabad.
2 The District Educational Officer, Medak District at Sangareddy.
3 The Principal Secretary to Government, Education Department, State of A.P., Secretariat, Hyderabad.

4 The Registrar, A.P. Administrative Tribunal, Hyderabad.

5 2 CCs to G.P. for Services-I, High Court of A.P. Hyderabad. (OUT)

6 2 CD copies

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